

**IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF MISSOURI
CENTRAL DIVISION**

KIRK D. BISHOP,)	
)	
Plaintiff,)	
)	
v.)	No. 07-4218-CV-C-NKL
)	
BILL ABBOTT, Sheriff, et al.,)	
)	
Defendants.)	

ORDER

On June 17, 2008, United States Magistrate Judge William A. Knox recommended granting judgment on the pleadings on plaintiff's claims against defendant Kathy Fields and denying plaintiff's motion for leave to amend the complaint. The parties were advised they could file written exceptions to the recommendation, pursuant to 28 U.S.C. § 636(b)(1)(C).

The court has conducted a de novo review of the record, including the exceptions filed by plaintiff on July 2, 2008. Plaintiff asserts he has not had access to legal materials and cannot respond to the merits of the issues in the report and recommendation. Plaintiff, however, also did not respond to defendant Fields' motion for judgment on the pleadings, and did not request an extension of time in which to do so. The issues were adequately addressed in the report and recommendation and plaintiff has come forward with no facts which would indicate defendant Fields was acting in any way other than in her capacity as a parole officer. With regard to parole-related matters, she is entitled to absolute immunity. Figg v. Russell, 433 F.3d 593, 598 (8th Cir. 2006).

The court is persuaded that the recommendation of the Magistrate Judge is correct and should be adopted.

Inmates who file an appeal with the United States Court of Appeals for the Eighth Circuit are required to pay the full \$455.00 appellate filing fee, regardless of the outcome of the appeal. Henderson v. Norris, 129 F.3d 481, 484 (8th Cir. 1997). The filing of a notice of

appeal is considered a consent by the inmate to allow prison officials to deduct an initial partial appellate filing fee and later installments from the prisoner's account.

IT IS, THEREFORE, ORDERED that the Report and Recommendation of June 17, 2008, is adopted. [36] It is further

ORDERED that defendant Kathy Fields' motion for judgment on the pleadings is granted and plaintiff's claims against defendant Fields are dismissed. [18] It is further

ORDERED that plaintiff is denied leave to file his March 13, 2008 amended complaint.
[29]

/s/ _____

NANETTE K. LAUGHREY
United States District Judge

Dated: August 4, 2008
Jefferson City, Missouri